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FILED

Oct 26 2021

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) CASE NO. 3-21-71156-MAG  
14 Plaintiff, )  
15 v. ) STIPULATION AND [PROPOSED] ORDER TO  
16 JULI MAZI, ) EXCLUDE TIME UNDER THE SPEEDY TRIAL  
17 Defendant. ) ACT AND FED. R. CRIM. P. 5.1  
18

19 Defendant Juli Mazi made initial appearances in this case on July 15, 2021. Defendant Mazi was  
20 released on pretrial services supervision, \$100,000 bond, and release conditions. The Court ordered that  
21 Defendant Mazi's preliminary hearing be held on August 5, 2021, at 10:30 a.m. At the parties' request,  
22 the Court previously continued the preliminary hearing three times and excluded time under the Speedy  
23 Trial Act from August 5, 2021 through November 5, 2021.

24 The parties have met and conferred and request that this matter be continued from November 5,  
25 2021, to December 9, 2021. Counsel for Defendant Mazi and counsel for the United States stipulate that  
26 time be excluded under the Speedy Trial Act from November 5, 2021, through December 9, 2021.  
27 Defendant Mazi also waives through December 9, 2021: (1) the time for a preliminary hearing on the  
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STIPULATION AND [PROPOSED] ORDER TO EXCLUDE TIME

1 Complaint under Rule 5.1 of the Federal Rules of Criminal Procedure, and (2) the time in which the  
2 government is required to file an information or indictment under 18 U.S.C. § 3161(b).

3 The parties stipulate and agree that the exclusion of time is appropriate under the  
4 circumstances—including the current pandemic and shelter-in-place orders—in order to give the parties  
5 an opportunity to negotiate the possibility of a pre-indictment resolution, to give defense counsel time to  
6 review discovery, which the government represents involves, among other items, thousands of pages of  
7 patient medical and billing records, reports of investigation, and recordings of recorded conversations,  
8 and to give the government additional time to return and file an indictment or information. *See* 18  
9 U.S.C. §§ 3161(b), 3161(h)(7)(B)(ii), 3161(h)(7)(B)(iii), and 3161(h)(7)(B)(iv); *see also United States v.*  
10 *Pete*, 525 F.3d 844, 852-53 (9th Cir. 2008) (“the STA makes no distinction regarding the applicability of  
11 the exclusions under § 3161(h)(1) to the pre-indictment period (governed by § 3161(b)) and the pretrial  
12 period (governed by §§ 3161(c) and (e)).”); *United States v. Murray*, 771 F.2d 1324, 1328 (9th Cir.  
13 1985) (“In cases of relative complexity, with multiple defendants and ongoing investigations such as  
14 here, it may be quite unreasonable to expect the preparation and return of an indictment within thirty  
15 days.... In the case at bar, efficiency and economy were definitely served by the sixty day extension.”).

16 The parties further stipulate and agree that the ends of justice served by excluding time from  
17 November 5, 2021, through December 9, 2021, from computation under the Speedy Trial Act outweigh  
18 the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A) &  
19 (B)(ii)-(iv).

20 SO STIPULATED

21  
22 Dated: October 26, 2021

\_\_\_\_\_/s/  
CHRISTIAAN H. HIGHSMITH  
Assistant United States Attorney

23  
24  
25 Dated: October 26, 2021

\_\_\_\_\_/s/  
PHILIP A. SCHNAYERSON  
Counsel for Defendant Juli Mazzi

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27  
28 STIPULATION AND [PROPOSED] ORDER TO EXCLUDE TIME

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3                   **[PROPOSED] ORDER**

4                   Pursuant to the stipulation of the parties, the preliminary hearing currently set for November 5,  
5 2021, is HEREBY CONTINUED to December 9, 2021.

6                   Based upon the facts set forth in the stipulation of the parties and for good cause shown, the  
7 Court finds that failing to exclude the time from November 5, 2021, through and including December 9,  
8 2021, would unreasonably deny defense counsel and Defendant Mazi the reasonable time necessary for  
9 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).  
10 The Court also finds that excluding the time from November 5, 2021, through and including December  
11 9, 2021, is appropriate in light of the complexity of the case, and the amount of time necessary to return  
12 and file an indictment under the circumstances, including the current pandemic, within the time  
13 specified by 18 U.S.C. § 3161(b). *See* 18 U.S.C. §§ 3161(h)(7)(B)(ii), 3161(h)(7)(B)(iii); *see also*  
14 *United States v. Pete*, 525 F.3d 844, 852-53 (9th Cir. 2008) (“the STA makes no distinction regarding  
15 the applicability of the exclusions under § 3161(h)(1) to the pre-indictment period (governed by §  
16 3161(b)) and the pretrial period (governed by §§ 3161(c) and (e)).”); *United States v. Murray*, 771 F.2d  
17 1324, 1328 (9th Cir. 1985) (“In cases of relative complexity, with multiple defendants and ongoing  
18 investigations such as here, it may be quite unreasonable to expect the preparation and return of an  
19 indictment within thirty days.... In the case at bar, efficiency and economy were definitely served by the  
20 sixty day extension.”).

21                   The Court further finds that the ends of justice served by excluding the time from November 5,  
22 2021, through and including December 9, 2021, from computation under the Speedy Trial Act outweigh  
23 the best interests of the public and the defendants in a speedy trial.

24                   Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from  
25 November 5, 2021, through and including December 9, 2021, shall be excluded from computation under  
26 the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A), (B)(ii)-(iv). The Court also orders that the time for a  
27 preliminary hearing be extended under Rule 5.1 of the Federal Rules of Criminal Procedure and the time  
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STIPULATION AND [PROPOSED] ORDER TO EXCLUDE TIME

1 within which to conduct a preliminary hearing is waived with the consent of the Defendant through  
2 December 9, 2021.

3 IT IS SO ORDERED.  
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5  
6 Dated: 10/26/2021

  
HON. THOMAS S. HIXSON  
United States Magistrate Judge